

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CURTIS LEWIS]
Plaintiff,]
]]
v.] No. 3:12-0435
] Judge Campbell
VANDERBILT UNIVERSITY MEDICAL]
CENTER]
Defendant.]

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is a resident of Nashville. He brings this action pursuant to 42 U.S.C. § 1983 against the Vanderbilt University Medical Center, seeking damages.

In July, 2011, the plaintiff sought medical treatment at the Vanderbilt University Medical Center for injuries he sustained in an automobile accident. Apparently, the plaintiff is not satisfied with the care he received there and accuses the defendant of medical malpractice and negligence.

In order to establish a claim for relief under § 1983, the plaintiff must plead and prove that the defendant, while acting under color of state law, deprived him of some right or privilege secured by the Constitution or laws of the United States. Parratt v. Taylor, 101 S.Ct. 1908, 1913 (1981).

The defendant is a building and not a person that can be sued under 42 U.S.C. § 1983. See e.g., Rhodes v. McDannel, 945 F.2d 117,

120 (6th Cir. 1991)(a county jail is not a person subject to suit under § 1983). Nor was the defendant, as a private entity, acting under color of state law when it provided the plaintiff with medical care. Consequently, the plaintiff has failed to state a claim upon which § 1983 relief can be granted.

When a plaintiff proceeding in forma pauperis, as is the case here, has failed to state a claim for relief, the Court is obliged to dismiss the instant action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

Todd Campbell
Todd Campbell
United States District Judge